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PATENT
Attorney Docket No.: 021396-000203US
Client Reference No.: AVI-000 CON

TOWNSEND and TOWNSEND and CREW LLP

By: 
Anna C. Kundel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ivarie, et al.

Application No.: 10/696,671

Filed: October 28, 2003

For: NOVEL VECTORS IN AVIAN
TRANSGENESIS

Examiner: Kaushal, Sumesh

Art Unit: 1633

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
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Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the non-patent and foreign references can be found in parent Application No. 09/173,864, filed October 16, 1998 (Attorney Docket No. 021396-000200US).

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

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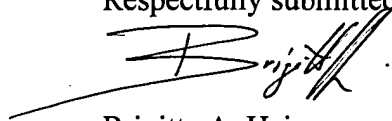
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representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

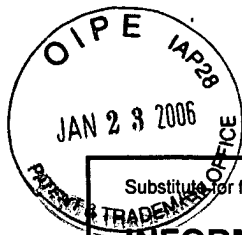
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brigitte A. Hajos", with a long horizontal line extending to the left.

Brigitte A. Hajos
Reg. No. 50,971

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Substitute for form 1449B/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/696,671	
			Filing Date	October 28, 2003	
			First Named Inventor	Ivarie, Robert D.	
			Art Unit	1633	
			Examiner Name	Kaushal, Sumesh	
Sheet	3	of	5	Attorney Docket Number	021396-000203US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	A1	US-4,959,317	09-25-1990	Sauer	
	A2	US-4,997,763	03-05-1991	Hughes et al.	
	A3	US-5,162,215	11-10-1992	Bosselman et al.	
	A4	US-5,304,489	04-19-1994	Rosen	
	A5	US-5,364,783	11-15-1994	Ruley et al.	
	A6	US-5,378,618	01-03-1995	Sternberg et al.	
	A7	US-5,464,764	11-07-1995	Capecchi et al.	
	A8	US-5,487,992	01-30-1996	Capecchi et al.	
	A9	US-5,677,177	10-14-1997	Wahl et al.	
	A10	US-5,741,957	04-21-1998	Deboer et al.	
	A11	US-5,784,992	07-28-1998	Petite et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	A12	PCT	WO 90/11355		10-04-1990			<input type="checkbox"/>
	A13	EPO	0 424 027	A1	04-24-1991			<input type="checkbox"/>
	A14	EPO	0 424 044	A1	04-24-1991			<input type="checkbox"/>
	A15	PCT	WO 94/20608		09-15-1994			<input type="checkbox"/>
	A16	PCT	WO 95/11302		04-27-1995			
	A17	PCT	WO 97/47739		12-18-1997			<input type="checkbox"/>
	A18	PCT	WO 98/01027		01-15-1998			<input type="checkbox"/>
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NON PATENT LITERATURE DOCUMENTS			
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	A19	ALLIOLI et al., "Use of retroviral vectors to introduce and express the β -galactosidase marker gene in cultured chicken primordial germ cells," <i>Developmental Biology</i> , 165:30-37 (1994).	
	A20	ARCHER et al., "Human growth hormone (hgh) secretion in milk of goats after direct transfer of the hgh gene into the mammary gland by using replication-defective retrovirus vectors," <i>Proc. Natl. Acad. Sci. USA</i> , 91:6840-6844 (1994).	
	A21	BAYLEY et al., "Exchange of Gene Activity in Transgenic plants catalyzed by the Cre-lox site-specific recombination system," <i>Plant Molecular Biology</i> , 18:353-361 (1992).	

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	A22	BEATO, M. "Gene regulation by steroid hormones," <i>Cell</i> , 56:335-344 (1989).	
	A23	BONIFER et al., "Tissue specific and position independent expression of the complete gene domain for chicken lysozyme in transgenic mice," <i>The EMBO Journal</i> , 9:2843-2848 (1990).	
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	A35	DUGAICZYK et al., "The ovalbumin gene: cloning and molecular organization of the entire natural gene," <i>Proc. Natl. Acad. Sci. USA</i> , 76:2253-2257 (1979).	
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	A37	FIERING, S., et al., "An 'in-out' strategy using gene targeting and FLP recombinase for the functional dissection of complex DNA regulatory elements: Analysis of the β -globin locus control region," <i>Proc. Natl. Acad. Sci. USA</i> , September 15, 1993, Vol. 90, No. 18, pp. 8469-8473.	

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Sheet	5	of	5	Attorney Docket Number	021396-000203US

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	A38	FISHER et al., "Expression of exogenous protein and analysis of morphogenesis in the developing chicken heart using an adenoviral vector," <i>Cardiovascular Research</i> , 31:E86-E95 (1996).	
	A39	GANNON et al., "Organization and sequences at the 5' end of a cloned complete ovalbumin gene," <i>Nature</i> , 276:428-434 (1979).	
	A40	GU et al., "Deletion of a DNA polymerase β gene segment in T cells using cell type-specific gene targeting," <i>Science</i> , 265:103-106 (1994).	
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	A45	KOTANI, et al., "Improved methods of retroviral vector transduction and production for gene therapy," <i>Hum. Gene Ther.</i> , 1994, Vol. 5, pp. 19-28.	
	A46	LAI et al., "The ovalbumin gene: structural sequences in native chicken DNA are not contiguous," <i>Proc. Natl. Acad. Sci. USA</i> , 75:2205-2209 (1978).	
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	A49	LOGIE et al., "Ligand-regulated site-specific recombination," <i>Proc. Natl. Acad. Sci. USA</i> , 92:5940-5944 (1995).	
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	A52	MOORE et al., "The development of β -lactamase as a highly versatile genetic reporter for eukaryotic cells," <i>Analytical Biochemistry</i> , 247:203-209 (1997).	
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	A54	MOUNTFORD et al., "Dicistronic targeting constructs: reporters and modifiers of mammalian gene expression," <i>Proc. Natl. Acad. Sci. USA</i> , 91:4303-4307 (1994).	
	A55	MURAMATSU, T., et al., "Gene gun-mediated in vivo analysis of tissue-specific repression of gene transcription driven by the chicken ovalbumin promoter in the liver and oviduct of laying hens," <i>Molecular and Cellular Biochemistry</i> , August 1998, Vol. 185, No. 1-2, pp. 27-32.	
	A56	MYLLA, et al., <i>Biochem J.</i> , 1981, Vol. 196, pp. 683-692.	
	A57	NORDSTROM et al., "A complex array of double-stranded and single-stranded DNA-binding proteins mediates induction of the ovalbumin gene by steroid hormones," <i>The Journal of Biological Chemistry</i> , 268:13193-13202 (1993).	
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	A65	ROYAL et al., "The ovalbumin gene region: common features in the organization of three genes expressed in chicken oviduct under hormonal control," <i>Nature</i> , 279:324-331 (1997).	
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	A67	SANDERS et al., "Positive and negative regulatory elements control the steroid-responsive ovalbumin promoter," <i>Biochemistry</i> , 27:6550-6557 (1988).	
	A68	SANG, TIBTECH, 1994, Vol. 12, pp. 415-420.	
	A69	SAUER, B., "Manipulation of transgenes by site-specific recombination: use of cre recombinase," <i>Methods in Enzymology</i> , 225:890-900 (1993).	

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	A70	SCHWEERS et al., "A protein with a binding specificity similar to NF- κ B binds to a steroid-dependent regulatory element in the ovalbumin gene," <i>The Journal of Biological Chemistry</i> , 266:10490-10497 (1991).	
	A71	SIMKISS, "Transgenic birds, animals with novel genes," McLean ed., Cambridge Univ. Press NY, 1994, pp. 106-135.	
	A72	THORAVAL et al., "Germline transmission of exogenous genes in chickens using helper-free ecotropic avian leucosis virus-based vectors," <i>Transgenic Research</i> , 4:369-376 (1995).	
	A73	UYEDA et al., "Cloning and sequencing of hen magnum cDNAs encoding viteline membrane outer layer protein I (VMO-1)," <i>Gene</i> , 144:311-312 (1994).	
	A74	VICK et al., "Transgenic birds from transformed primordial germ cells," <i>Proc. R. Soc. Lond. B.</i> , 179-183 (1993).	
	A75	YEE et al., "Generation of high-titer pseudotyped retroviral vectors with very broad host range," <i>Methods in Cell Biology</i> , 43:99-112 (1994).	
	A76	ZHANG et al., "Inducible site-directed recombination in mouse embryonic stem cells," <i>Nucleic Acids Research</i> , 24:543-548 (1996).	
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